NOTES OF CASES.

Aliens—Qualifications for Citizenship.—In In re Goldberg, 269 Fed. 392, the District Court for the Eastern District of Missouri held that it is an indispensable prerequisite to the admission of an alien to citizenship that he possess an acquaintance with and working knowledge of the Declaration of Independence and Constitution of the United States, and have a comprehension of the obligations and responsibilities of citizenship arising from his taking the oath of allegiance, and it is not sufficient that during his residence he has been peaceable, industrious, of good character, and law-abiding.

The court said in part: "While a candidate for naturalization is to be commended for having acquired material wealth, and for having lived a blameless life, during his period of residence here, nevertheless such a state of affairs does not relieve him in any way of the necessity of possessing a working knowledge of the form and general structure of our government, and of the responsibilities and duties, as well as the privileges of a citizen thereof. Lacking such qualifications, it is impossible for him to swear, either intelligently or conscientiously, that, as required by law, he is 'attached to the principles of the Constitution of the United States,' or that he is 'well disposed to the good order and happiness of the same.' Under our form of government, the people, theoretically, at least, make, interpret, and execute the laws. Accordingly, their reasonable intelligence and education are indispensable prerequisites to the preservation and transmission of civil liberty and republican institutions.

"The requirements of law cannot be held to have been met on a mere showing of the candidate that he is peaceable, industrious, of good character, and law-abiding. By reference to decisions of the courts announced prior to the Naturalization Act of 1906 (34 Stat. pt. 1, p. 596), and during the period the government did not, as now, exercise supervision of the naturalization of aliens, we find declared in In re Naturalization, 5 Pa. Dist. R. 597, that no person will be naturalized who has not a general familiarity with the federal Constitution and with our method of government, state and national. The act of Congress requires each applicant to take an oath that he is attached to the principles of the Constitution. No applicant will be permitted to so swear unless he knows what these principles are. No person should be naturalized who has not some general comprehension of what the Constitution of the United States is and of the principles which it affirms. In re Bodek (C. C.) 63 Fed. 813. Also see Rushworth *v.* Judges, 58 N. J. Law, 97, 32 Atl. 743, 30 L. R. A. 761; In re Conway, 9 Misc. Rep. 652, 30 N. Y. Supp. 835; In re Lab's Petition, 3 Pa. Dist. R. 728, 5 Pa. Dist. R. 597; In re Kanaka Nian, 6 Utah, 259, 21 Pac. 993, 4 L. R. A. 726. The applicant's oath to support the Constitution of the United States will not be accepted, if, upon ex-

amination, it appears that he does not understand its significance, or is without such knowledge of the Constitution as is essential to the rational assumption of an understanding to support it. In re Bodek, supra. * * *

"The problem under consideration is not one that concerns the courts alone. On the contrary, it is a problem that vitally affects every man, woman, and child within the United States. By way of illustration, reference may properly be made to the fact that during the period 1900-1914, inclusive, 13,377,087 immigrants were admitted to the United States. Of these, 11,726,606 were over 14 years of age, and of this latter group 3,116,182 were illiterate in their own tongue—a proportion of 26.55 per cent. of illiterates over 14 years of age; 48.1 per cent. of these illiterates were between the ages of 20 and 45 years; only 60 per cent. of these illiterates were under 20 years of age. Much of this immigration was from the so-called oppressed lands. Because of conditions surrounding them prior to their emigration to America it is not to be wondered at that a considerable number of these immigrants may hate any government, and that to them all government is obnoxious. We cannot escape the fact that our candidates for citizenship must necessarily come from these immigrants. * * *

"At the last session of Congress, figures were presented to the committee on immigration and naturalization of the House of Representatives, during its hearings on H. R. 10404, to the effect that at that time there were in round numbers about 11,000,000 adult aliens in the United States; that of these some 2,500,000 had filed their declarations of intention, leaving approximately 8,500,000 who had never taken any step whatsoever towards citizenship. It is quite apparent from these figures that the 'melting pot' has not melted. This was repeatedly emphasized during the World War. The line of racial cleavage was as distinctly drawn in this country then as in Europe. Very considerable portions of our population of foreign birth seemed concerned more with what was best for the lands of their nativity rather than with what was best for the country of their adoption. Cases such as Schurmann *v.* United States (C. C. A.) 264 Fed. 917, deal with this situation. This foreign element must either be lifted up to American standards, or America must eventually be reduced to their standards. We must become all-American, or, failing this, we will in time become all-alien. And before any given candidate is clothed with the right of franchise under our naturalization laws, he should be required to make a convincing showing that the Americanization process in his case has reached the stage where he is heart and soul with us, and that his naturalization would be more a benefit than a detriment to the country. If any doubt should be entertained as to the soundness of this conclusion, it is necessary only to consider the present flood of immigration (all prospective candidates for naturalization),

which in the short time that has elapsed since the Armistic has reached the pre-war height. Limitations due to shipping have alone kept the country from being flooded. So critical has become the situation that the present Congress has been appealed to, to suspend all immigration for a reasonable period of time.

"The courts are chargeable with no further duty in a case such as we are here considering than to see that the individual candidate has fittingly prepared himself for citizenship. But even a casual consideration of such a case must, however, convince any thoughtful person that as an indispensable prerequisite to naturalization the candidate must possess an acquaintance with, and working knowledge of, the principles of the Declaration of Independence and Constitution of the United States. An intelligent sympathy with, and understanding of the purpose of these great charters of human liberty must be shown by the candidate, and he must have a comprehension of the obligations and responsibilities of citizenship arising from his taking the oath of allegiance forming a part of his naturalization proceeding."

Banks and Banking—Duty of Depositor to Call for Balanced Passbook.—In McCarty *v.* First National Bank of Birmingham (85 So. 754) the Supreme Court of Alabama held that a depositor, who has called for a statement of his account by leaving his passbook, with the bank, where it is balanced by the bank, and is ready for delivery to the depositor, along with the canceled checks charged by the bank against his account, owes the bank no duty to call for the book and the checks within a reasonable time, and he is not in the same position as to imputed knowledge of forgeries, and as to negligence with respect to their disclosure to the bank, as he would be in if he had actually received the checks and the book from the bank.

The court said in part: "'In the case of First National Bank *v.* Allen, 100 Ala. 476, 14 South. 335, 27 L. R. A. 426, 46 Am. St. Rep. 80, it was said:

"'The correct principles by which the respective liabilities of the bank and depositor are determined are these: The bank is bound to know the signature of its depositors, and the payment of a forged check, however skillfully executed, cannot be debited against the depositor. From the relations the depositor and the bank bear towards each other, there is a duty also upon the depositor to examine his accounts and vouchers, and to make known to the bank any improper vouchers or charges returned, and where injury results to the bank from the failure of the depositor to do his duty in this respect, the law holds the depositor liable for such injury, the result of the depositor's omission.'

"This statement of the law is unquestionably based upon sound reason, and is supported by practically all the authorities, which are collected in 7 Corp. Jur. 687, sec. 415, and notes. The most recent